

TITLE 326 AIR POLLUTION CONTROL DIVISION**Final Rule**
LSA Document #22-388**DIGEST**

Amends [326 IAC 1-4-11](#), [326 IAC 1-4-23](#), [326 IAC 1-4-46](#), and [326 IAC 1-4-65](#) concerning the attainment designation status for Clark, Floyd, Lake, and Porter counties for the 2008 and 2015 National Ambient Air Quality Standards for ozone. Amends [326 IAC 2-6-1](#) concerning emissions reporting requirements. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): January 4, 2023, Indiana Register (DIN: [20230104-IR-326220388FDA](#)).

Notice of First Hearing: January 4, 2023, Indiana Register (DIN: [20230104-IR-326220388PHA](#)).

Date of First Hearing: March 8, 2023.

[326 IAC 1-4-23](#); [326 IAC 1-4-46](#); [326 IAC 1-4-65](#); [326 IAC 2-6-1](#)

SECTION 1. [326 IAC 1-4-11](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-4-11](#) Clark County

Authority: [IC 13-14-8](#); [IC 13-17-3](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 11. The following attainment status designations are applicable to Clark County:

Pollutant	Designation
SO ₂	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O ₃	Marginal nonattainment Attainment effective August 3, 2018 , July 5, 2022 , for the 2015 8-hour ozone standard.
PM _{2.5}	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM _{2.5} standard.
PM _{2.5}	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM _{2.5} standard.
PM ₁₀	Unclassifiable effective November 15, 1990.
NO ₂	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO ₂ standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; [326 IAC 1-4-11](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Jan 30, 2013, 12:34 p.m.: [20130227-IR-326110774FRA](#); filed Oct 25, 2013, 2:41 p.m.: [20131120-IR-326130164FRA](#); filed Jul 16, 2018, 1:17 p.m.: [20180815-IR-326180001FRA](#); filed Oct 1, 2019, 9:40 a.m.: [20191030-IR-326190083FRA](#); filed Jan 15, 2021, 12:51 p.m.: [20210210-IR-326200010FRA](#); filed Jun 5, 2023, 11:33 a.m.: [20230705-IR-326220388FRA](#))

SECTION 2. [326 IAC 1-4-23](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-4-23](#) Floyd County

Authority: [IC 13-14-8](#); [IC 13-17-3](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 23. The following attainment status designations are applicable to Floyd County:

Pollutant	Designation
SO ₂	Better than national standards.

CO	Unclassifiable or attainment effective November 15, 1990.
O ₃	Marginal nonattainment Attainment effective August 3, 2018 , July 5, 2022 , for the 2015 8-hour ozone standard.
PM _{2.5}	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM _{2.5} standard.
PM _{2.5}	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM _{2.5} standard.
PM ₁₀	Unclassifiable effective November 15, 1990.
NO ₂	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO ₂ standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; [326 IAC 1-4-23](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Jan 30, 2013, 12:34 p.m.: [20130227-IR-326110774FRA](#); filed Oct 25, 2013, 2:41 p.m.: [20131120-IR-326130164FRA](#); filed Jul 16, 2018, 1:17 p.m.: [20180815-IR-326180001FRA](#); filed Oct 1, 2019, 9:40 a.m.: [20191030-IR-326190083FRA](#); filed Jan 15, 2021, 12:51 p.m.: [20210210-IR-326200010FRA](#); filed Jun 5, 2023, 11:33 a.m.: [20230705-IR-326220388FRA](#))

SECTION 3. [326 IAC 1-4-46](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-4-46](#) Lake County

Authority: [IC 13-14-8](#); [IC 13-17-3](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 46. The following attainment status designations are applicable to Lake County:

Pollutant	Designation
SO ₂	Better than national standards.
CO	Attainment effective February 18, 2000, for the part of the city of East Chicago bounded by Columbus Drive on the north; the Indiana Harbor Canal on the west; 148 th Street, if extended, on the south; and Euclid Avenue on the east. Unclassifiable or attainment effective November 15, 1990, for the remainder of East Chicago and Lake County.
O ₃	Serious nonattainment Attainment effective September 23, 2019 May 20, 2022 , for the 2008 8-hour ozone standard.
O ₃	Marginal Moderate nonattainment effective August 3, 2018 November 7, 2022 , for the 2015 8-hour ozone standard for Calumet, Township, Hobart, Township, North, Township, Ross, Township, and St. John Township townships. Unclassifiable or attainment effective August 3, 2018, for the 2015 8-hour ozone standard for the remainder of the county.
PM _{2.5}	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM _{2.5} standard.
PM _{2.5}	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM _{2.5} standard.
PM ₁₀	Attainment effective March 11, 2003, for the cities of East Chicago, Hammond, Whiting, and Gary. Unclassifiable effective November 15, 1990, for the remainder of Lake County.
NO ₂	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO ₂ standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; [326 IAC 1-4-46](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Oct 15, 2010, 1:51 p.m.: [20101110-IR-326100342FRA](#); filed Jun 7, 2012, 11:21 a.m.: [20120704-IR-326110742FRA](#); filed Jan 30, 2013, 12:34 p.m.: [20130227-IR-326110774FRA](#); filed Oct 25, 2013, 2:41 p.m.: [20131120-IR-326130164FRA](#); filed Jul 16, 2018, 1:17 p.m.: [20180815-IR-326180001FRA](#); filed Oct 1, 2019, 9:40 a.m.: [20191030-IR-326190083FRA](#); filed Jan 15, 2021, 12:51 p.m.: [20210210-IR-326200010FRA](#); filed Jun 5, 2023, 11:33 a.m.: [20230705-IR-326220388FRA](#))

SECTION 4. [326 IAC 1-4-65](#) IS AMENDED TO READ AS FOLLOWS:**[326 IAC 1-4-65](#) Porter County****Authority:** [IC 13-14-8](#); [IC 13-17-3](#)**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 65. The following attainment status designations are applicable to Porter County:

Pollutant	Designation
SO ₂	Cannot be classified for the area bounded on the north by Lake Michigan; on the west by the Lake County and Porter County line; on the south by I-80 and I-90; and on the east by the LaPorte County and Porter County line. The remainder of Porter County is better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O ₃	Serious nonattainment Attainment effective September 23, 2019 , May 20, 2022 , for the 2008 8-hour ozone standard.
O ₃	Unclassifiable or attainment Moderate nonattainment effective August 3, 2018 November 7, 2022 , for the 2015 8-hour ozone standard for Center, Jackson, Liberty, Pine, Portage, Union, Washington, and Westchester townships. Unclassifiable or attainment effective August 3, 2018, for the remainder of the county.
PM _{2.5}	Unclassifiable or attainment effective January 28, 2019, for the 2012 annual PM _{2.5} standard.
PM _{2.5}	Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour PM _{2.5} standard.
PM ₁₀	Unclassifiable effective November 15, 1990.
NO ₂	Unclassifiable or attainment effective January 29, 2012, for the 2010 NO ₂ standard.
Pb	Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard.

(Air Pollution Control Division; [326 IAC 1-4-65](#); filed Dec 26, 2007, 1:43 p.m.: [20080123-IR-326070308FRA](#); filed Oct 15, 2010, 1:51 p.m.: [20101110-IR-326100342FRA](#); filed Jun 7, 2012, 11:21 a.m.: [20120704-IR-326110742FRA](#); filed Jan 30, 2013, 12:34 p.m.: [20130227-IR-326110774FRA](#); filed Oct 25, 2013, 2:41 p.m.: [20131120-IR-326130164FRA](#); filed Jul 16, 2018, 1:17 p.m.: [20180815-IR-326180001FRA](#); filed Oct 1, 2019, 9:40 a.m.: [20191030-IR-326190083FRA](#); filed Jan 15, 2021, 12:51 p.m.: [20210210-IR-326200010FRA](#); filed Jun 5, 2023, 11:33 a.m.: [20230705-IR-326220388FRA](#))

SECTION 5. [326 IAC 2-6-1](#) IS AMENDED TO READ AS FOLLOWS:**[326 IAC 2-6-1](#) Applicability****Authority:** [IC 13-14-8](#); [IC 13-17-3](#)**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to all of the following:

- (1) Sources required to have a Part 70 operating permit under [326 IAC 2-7](#).
- (2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:
 - (A) Lake; **Calumet, Hobart, North, Ross, and St. John townships only.**
 - (B) Porter; **Center, Jackson, Liberty, Pine, Portage, Union, Washington, and Westchester townships only.**
 - (C) Clark.
 - (D) Floyd.
- (3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule concerning additional

information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule.

(Air Pollution Control Division; [326 IAC 2-6-1](#); filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.: [20060809-IR-326050078FRA](#); filed Oct 21, 2016, 10:24 a.m.: [20161116-IR-326160162FRA](#); filed Apr 24, 2020, 4:52 p.m.: [20200506-IR-326190409FRA](#), eff Apr 24, 2020, see Executive Order 20-15, posted at [20200422-IR-GOV200234EOA](#); filed Jun 5, 2023, 11:33 a.m.: [20230705-IR-326220388FRA](#))

LSA Document #22-388(F)

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20230104-IR-326220388FDA](#)

Hearing Held: March 8, 2023

Approved by Attorney General: May 30, 2023

Approved by Governor: June 1, 2023

Filed with Publisher: June 5, 2023, 11:33 a.m.

Documents Incorporated by Reference: None received by Publisher

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Posted: 07/05/2023 by Legislative Services Agency

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